App. F. IX-4

Previous References R 'm. P-32(1-4) (1933-4 C 'm)

File No. 15-33

Serial Nos. 1-9

Later References

preserve

P.9(E)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Tm

Part B for Jany 32

SUBJECT.

Levy of Court stamp fee in respect of applications made under section 60 of the Cooperative Regulation

D 37/32 of 31.1.32

Regr. D.J.

State that it is unnecessary to demand for such application, Court stamp fees as on plaint for reason explained.

PS

(1 2160

General and Revenue Secretariat | L.R. File No. 15 of 1933. | [App. F. III—2

Serial No.

From the Registrar C.S.,
No. 37911 dt. 15/12/33.
Requests orders for the exemption from the levy of Court stamp fee in respect of applications made under Sec. 60 of the Co-operative Regulation as they are in the nature of suits.

The Stamps Commissioner has held that applications to the Registrar for the recovery of loans received by the Bank are in the nature of suits, and as such, subject to the levy of Court fee. The Presdt. of the L.M. Bank request that in view of the total exemption from stamp duty of the L.M. Bank transactions, the levy of the same for a period of five years at least on such applications may be waived.

Submitted for orders

2 KO
20/12

2. The Registrar is of opinion that applications under S. 60 cannot be treated as suits. Law Asst. Secy may be consulted.

Dev: Secy) KO 20/12/33

Law Secretariat.

Asst. 22-12-33 KO 22/12

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

(2

2240

File No. 5 of 1933. General and Revenue Secretariat

Serial No.

3. Section 60 refers to an application to the Registrar for recovery of the loan recalled and does not necessitate a suit for the purpose. It is therefore wrong to demand ~~or~~ for such applns a ~~or~~ Court fee as on plaints ~~or~~ memorandum of appeal. If no exemption is granted the fee that is to be levied is the usual fee leviable on applications & that is twelve annas if presented to the Registrar. A

241 Laws

Devsey) 1804 6/1/34

First Member.

OFFICE OF THE FIRST MEMBER OF COUNCIL 10 JAN 1934 No. 5240

Law. 9.1.34. 9/1

4. A. Laprell 16/1/34 16/1 17/1

5. Submitted with a draft ~~letter~~ reply G.O. in accordance with paras 3 and 4 of the notes. ~~1828~~ 26/1

26/1

TYPING SECTION 27 JAN 1934 GENL. & REV. SECTT.

The Registrar of C. S.

D. 371 dt. 31. 1. 34.

States that it is unnecessary to demand for such Applications Court fees as on plaints &c. for reasons stated.

2

B

C 26 M 15 - 33

GOVERNMENT OF MYSORE.

No. 2,911 C.S.

Telegraphic Address: "CO-OPERT" BANGALORE.

DEPARTMENT OF CO-OPERATION.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

Dated, Bangalore, 6th December 1933.

DEVELOPMENT BRANCH 16 DEC. 1933

GEN. & REV. SECRETARIAT 2260 18 DEC. 1933 BANGALORE DEVELOPMENT BRANCH

From T. GHULAM MOHADIN MEHKRI, ESQ., B.A., LL.B.,
Registrar of Co-operative Societies in Mysore,

To
S.Abdul Wajid,Esq.,B.A.,
Secretary to the Government of Mysore,
Development Department, Bangalore.

Sir,

I have the honour to state that the Mysore Co-operative Land Mortgage Bank,Ltd., presented an application under Section 60 of the Mysore Co-operative Societies Regulation of 1918 as amended from time to time, for the recovery of Rs.3,542-4-7 due from Messrs.Thimmaiya Naik and Venkatappa Naik of Melubelre village, Koppa Taluk. As Government Order No.D.309-10/C.S. 3-31-2 dated 15th/17th July 1931 directed the levy of court fees at half the rates levied in Civil Courts, on all suits and Memoranda of Appeal filed by Co-operative Societies before the Registrar or the Assistant Registrars. and as this was only an application, the Stamp Commissioner in Mysore was in this office letter No.2520 dated 24th October 1933, requested to intimate the amount of court fee stamp to be levied on such applications. The Commissioner of Stamps has opined that, in the absence of any special rate of court fee fixed by Government in this behalf, the value of court fee prescribed in Government Order No.D.309-10/C.S.3-31-2 dated 15th/17th July 1931 has to be levied. (vide copy of his letter No.C.94/33-34 dated 4th November 1933 enclosed).

The President of the Land Mortgage Bank who was then requested to send the required amount of stamp fee in court fee stamps has written to say that these applications are to be treated as petitions on which no court fee stamps are to be levied and even if it is held that such applications are to be stamped, the Land Mortgage Bank may be exempted from such payment. Copy of his letter is enclosed for reference.

I am of opinion that applications under Section 60 can not be treated as suits, as opined by the Commissioner of Stamps and therefore solicit early instructions of Government as to how such applications are to be

P.T.O.

to be treated for purposes of levy of court fee.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

14/12.

(3

Letter No.S.I.167 dated 2nd December 1933 from the President, The Mysore Co-operative Land Mortgage Bank,Ltd.,Bangalore, to the Registrar of Co-operative Societies in Mysore,Bangalore.

******

With reference to your letter No.3322 dated 25th instant intimating that the Commissioner of Stamps has opined that in the absence of any special rate of Court fees fixed by Government on suits or applications filed by the Land Mortgage Societies, the value of court fees prescribed in Government Order No.D.309-10/C.S. 3-31-2 dated 15/17th July 1931 has to be levied, and requesting that the amount due to the Bank from the defendants Messrs.Dasanakodige Thimmiah Naik and Venkatappa Naik as on the date of application may be calculated and intimated to you and the proper court fee stamps also caused to be sent to enable your office to take the suit on file, I have the honour to state that the reliefs that may be granted on 'applications' under Section 60 of the Mysore Co-operative Societies' Regulation are not similar to those that are granted in the case of suits and that these applications appear to be more in the nature of mere petitions than suits. Further, if, as I understand, no court fee stamps are leviable in respect of applications under Sections 35,36 and 39, I do not see why they should be levied in respect of applications under Section 60. In case, however, it is still held that stamps are leviable on applications made under Section 60, I request that in view of the fact that Land Mortgage institutions are exempted from stamp duty in certain cases as per ~~certain cases~~ as per Government Order No.D.475-79/L.M.2-32-2 dated 28th July/1st August 1932 and that they are still in their experimental stage and depend largely on Government help and support for meeting even the expenses for their working, Government may kindly be moved to specially exempt them from such levy for at least a period of five years for the present.

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" Copy "

14/12.

Registrar.

(4

Letter No.C.94/33-34 dated 4th November 1933 from the Commissioner of Stamps in Mysore, Bangalore, to the Registrar of Co-operative Societies in Mysore, Bangalore.

****

With reference to correspondence ending with your letter No.2710/C.S. dated 1st November 1933, requesting to be informed the value of court fee to be paid on application filed by the Mysore Co-operative Land Mortgage Bank, Bangalore, I have the honour to state that in the absence of any special rate of court fees fixed by Government in this behalf the value of court fee prescribed in Government Order No.D.309-10/C.S.3-31-2 dated 15th/17th July 1931 has to be adopted.

2. The original document received with your letter under reply is herewith returned.

****
" Copy "

14/12.

Registrar.

Appendix F G—1]

5

SUBJECT .....

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Section Lr.

File No. 15-33

Serial No. 2

No. D 3714

To - The Registrar of Cooperative Societies

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 27/11/33

Signed by M Gen.

Sir.

In reply to your letter No. 3791 & 15th December 1933, enquiring whether Court fees have to be levied in accordance with Go. No D 307-10/6-3-31-2 & 47/17 dated 1931 on Applications presented to you under Section 60 of the Mysore Cooperative Societies Regulation of 1918 as amended from time to time, I am directed to observe that Section 60 refers to an Application to the Registrar for recovery of the loan recalled & does not necessitate a

List of enclosures .....

Copied by .....

Examined by .....

YD 0571—G P B—15,000—3-11-33

6

suit for the purpose. It is therefore unnecessary to demand for such applications & Court fees as on plaints or memorandum of Appeal.

I have etc.

Sd/- ...

for Secy: to Govt.
Dev: Dept.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D 3714 / P.M.15-33-2

Dated, Bangalore, 21st January 1934.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Registrar of Co-operative Societies in Mysore,

Bangalore.

Sir,

In reply to your letter No.3791 dated 15th December 1933, enquiring whether court fees have to be levied, in accordance with G.O.No.D.309-10/C.S.3-31-2 dated 17th July 1931, on applications presented to you under Section 60 of the Mysore Co-operative Societies Regulation of 1918 as amended from time to time, I am directed to observe that Section 60 refers to an application to the Registrar for recovery of the loan recalled and does not necessitate a suit for the purpose. It is therefore unnecessary to demand for such applications/court fee as on plaints or memorandum of appeal.

I have the honour to be,

Sir,

Your most obedient servant,

Mallikarjunaiah

For Secretary to Government,

Development Department.

bnl.2